

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

EMC PROPERTY & CASUALTY	§	
COMPANY,	§	
	§	
Plaintiff	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 5:23-cv-1140-JKP
BPI BAUERLE PARTNERS, INC.,	§	
MANUEL RODRIGUEZ, IV, MATTHEW	§	
LUCIDO, Individually and as Next Friend	§	
Of MADISON LUCIDO, a Minor,	§	
	§	
Defendants	§	

**JOINT STIPULATION OF DISMISSAL OF ALL CLAIMS AND  
COUNTERCLAIMS**

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff EMC Property & Casualty Company (“EMC”) together with Defendants BPI Bauerle Partners, Inc. (“BPI Bauerle”), Manuel Rodriguez, IV (“Rodriguez”), and Matthew Lucido, Individually and as Next Friend of Madison Lucido, a Minor (“Lucidos”) file this Joint Stipulation of Dismissal of All Claims and Counterclaims.

1. This dismissal is to terminate the lawsuit in its entirety at this time with prejudice to Plaintiff’s right to refile the claim and BPI Bauerle’s right to file the counterclaim.

2. Plaintiff’s Original Complaint and Request for Declaratory Judgment was filed on September 12, 2023 (Dkt 1).

3. Defendants BPI Bauerle and Rodriguez were the Defendants named in Plaintiff’s Original Complaint and Request for Declaratory Judgment and Lucidos were named as parties interested in the outcome of the litigation.

4. On February 29, 2024, BPI Bauerle filed its Original Counterclaim against EMC (Dkt. 26).

5. As of the date of this Joint Notice of Dismissal, all Defendants were served and timely filed their answers and entered an appearance.

6. Plaintiff EMC Property & Casualty Company together with Defendants BPI Bauerle Partners, Inc., Manuel Rodriguez, IV, and Matthew Lucido, Individually and as Next Friend of Madison Lucido, a Minor, jointly file this Joint Notice of Dismissal with the intention of dismissing the entire case under Federal Rule of Civil Procedure 41(a)(1)(A)(i) with prejudice to refiling same.

Respectfully submitted,

/s/. Wm. David Farmer

Wm. David Farmer

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**ATTORNEYS FOR DEFENDANTS**

**BPI BAUERLE PARTNERS, INC. AND**

**MANUEL RODRIGUEZ, IV**

/s/Bart Behr

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**ATTORNEYS FOR DEFENDANT**

**MATTHEW LUCIDO, INDIVIDUALLY**

**AND AS NEXT FRIEND OF MADISON**

**LUCIDO, A MINOR**